

Regulations for Providers of Outpatient Physical Therapy and /or Outpatient Speech Pathology Services Certification Program

The statutory basis for providers of outpatient therapy and outpatient speech-language pathology services is found under 1861 (p) of the Social Security Act. The Conditions of Participation (CoPs) for rehabilitation agencies, clinics (operated by physicians) and public health agencies as providers of outpatient physical therapy and speech-language pathology services, are specified in 42 CFR Part 485, Subpart H. Appendix E of the State Operations Manual (SOM) and sections 2290-2306 of the SOM contain interpretive guidelines for regional offices (ROs), State Agencies (SAs), Accreditation Agencies (AOs) and providers on how to operate these organizations.

42 Code of Federal Regulation 485 Subpart H Conditions of Participation for clinics, Rehabilitation Agencies and Public Health Agencies as Providers of Outpatient Physical Therapy and Speech Language Pathology Services:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=e36117c60acba51cc48301487abfc1b4&mc=true&node=sp42.5.485.h&rgn=div6>

State Operation Manual Appendix E:

http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_e_opt.pdf

State Operations Manual Chapter 2 Section 2290-2306:

<http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/som107c02.pdf>

There are three types of organizations, who may qualify as providers of outpatient physical therapy and speech pathology services under 42 CFR Part 485, Subpart H: clinics, public health clinics, and rehabilitation agencies. See “Definitions” below for more information. However, rehabilitation agencies are the only organizations that are currently enrolled as a Medicare provider with a CMS Certification Number (CCN).

The primary purpose of a rehabilitation agency is to improve or rehabilitate an injury or disability, and to tailor a rehabilitation program to meet the specific rehabilitation needs of each patient referred to the agency. A rehabilitation agency must provide, at a minimum, physical therapy and/or speech language pathology services to address those needs of the patients. Social/vocation services are no longer a requirement.

The rehabilitation agency must be able to provide therapeutic procedures as well as the modalities of heat, cold, water, and electricity for physical therapy treatment for the patients it accepts for service at any of its practice locations. The rehabilitation agency must also be able to provide any equipment required by the speech-language pathologist to treat patients accepted for such service.

As noted above, rehabilitation agencies must provide at least physical therapy and /or speech language pathology services to comply with the Conditions of Participation. Occupational therapy is an optional service and cannot be substituted for either of these two services. It may be provided in addition to physical therapy and/or speech-language pathology services.

A rehabilitation agency is no longer required to have a physician on call to furnish necessary medical care in case of an emergency. However, the rehabilitation agency must have policies and procedures in place that instruct its staff regarding the steps to take in an emergency (including notification of the patient's doctor) and appropriate documentation. Refer to 42 CFR 485.711(c).

Indiana State Regulations:

Physical Therapist:

Indiana Code 25-27 Article 27. Physical Therapists

<https://iga.in.gov/legislative/laws/2014/ic/titles/025/>

Indiana Administrative Code Title 844 Medical Licensing Board of Indiana:

Article 6: Physical Therapists and Physical Therapists Assistants

http://www.in.gov/legislative/iac/iac_title?iact=844

Occupational Therapist:

Indiana Code 25-23 Article 23.5 Occupational Therapists

<http://iga.in.gov/legislative/laws/2014/ic/titles/025/>

Indiana Administrative Code Title 844 Medical Licensing Board of Indiana:

Article 10: Occupational Therapists and Occupational Therapy Assistants

http://www.in.gov/legislative/iac/iac_title?iact=844

Speech Pathologist Certification:

Indiana Code 25-35.6 Speech pathologists and audiologists

<http://iga.in.gov/legislative/laws/2014/ic/titles/025/>

Indiana Administrative Code Title 880 Speech-Language Pathology and Audiology Board:

http://www.in.gov/legislative/iac/iac_title?iact=880